

Ex. A

# EXHIBIT A

Ex. A

## UNITED STATES DISTRICT COURT

for the

**DISTRICT OF**

Nevada

Fed. Nat'l Mortg. Ass'n

## **EXHIBIT AND WITNESS LIST**

V.

SFR Investments Pool 1, LLC

Case Number: 2:14-cv-02046-JAD-PAL

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

4 FEDERAL NATIONAL MORTGAGE ) CASE NO.:  
ASSOCIATION, A GOVERNMENT- ) 2:14-CV-02046-JAD-PAL  
5 SPONSORED ENTITY; FEDERAL )  
HOUSING FINANCE AGENCY, AS )  
6 CONSERVATOR OF FANNIE MAE, )  
 )  
7 PLAINTIFFS, )  
V. )  
8 )  
9 SFR INVESTMENTS POOL 1, LLC, A )  
NEVADA LIMITED LIABILITY )  
COMPANY; SUN CITY ALIANTE )  
10 COMMUNITY ASSOCIATION, A )  
NEVADA NON-PROFIT CORPORATION; )  
11 DOES 1 THROUGH X, INCLUSIVE; )  
AND ROE CORPORATIONS I )  
12 THROUGH X, INCLUSIVE, )  
 )  
13 DEFENDANTS. )

14

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16

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VIDEOTAPED/ORAL DEPOSITION OF

JOHN CURCIO

FEBRUARY 1, 2016

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20

VIDEOTAPED/ORAL DEPOSITION OF JOHN CURCIO,  
produced as a witness at the instance of the  
Defendants, and duly sworn, was taken in the  
above-styled and -numbered cause on the 1st day of  
February, 2016, from 2:18 p.m. to 4:36 p.m., before  
Kendra L. Rowland-Finch, CSR in and for the State of

1 Texas, reported by machine shorthand, at Fannie Mae,  
2 14221 Dallas Parkway, Suite 1001, Dallas, Texas  
3 75254, pursuant to the Federal Rules of Civil  
4 Procedure and the provisions stated on the record or  
5 attached hereto.

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1 A P P E A R A N C E S

2  
3 FOR THE PLAINTIFFS

4 Mr. Michael A.F. Johnson  
5 ARNOLD & PORTER, LLP  
6 555 Twelfth Street, NW  
7 Washington, DC 20004-1206  
8 202-942-5783

9 Ms. Charlotte Ritz (In-house Counsel)  
10 FANNIE MAE  
11 14221 Dallas Parkway  
12 Suite 1001  
13 Dallas, Texas 75254  
14 972-773-4663

15 FOR THE DEFENDANTS

16 Ms. Diana Cline Ebron  
17 Ms. Jacqueline Gilbert  
18 Mr. Jesse Panoff  
19 KIM GILBERT EBON  
20 7625 Dean Martin Drive  
21 Suite 110  
22 Las Vegas, Nevada 89139  
23 702-485-3300

24 ALSO PRESENT

25 Mr. Gus Phillips - Videographer

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are now on the  
3 record for the video deposition of John Curcio. The  
4 time is 2:18 p.m., February 1st, 2016.

5 In the matter of Federal National Mortgage  
6 Association et al versus SFR Investments Pool 1, LLC  
7 et al; Case No. 2:14:CV-02046-JAD-PAL; being held in  
8 the United States District Court for the District of  
9 Nevada.

10 The court reporter is Kendra Finch, and the  
11 videographer is Gus Phillips. Both are  
12 representatives of Depo International.

13 Will Counsel please state their appearances  
14 for the record.

15 MR. JOHNSON: Michael Johnson of Arnold  
16 & Porter representing the witness and the Conservator  
17 of the Federal National Mortgage Association.

18 MS. EBORN: Good afternoon. Diana  
19 Cline Ebron on behalf of SFR Investments Pool 1, LLC  
20 of the law firm Kim Gilbert Ebron.

21 MS. GILBERT: Jacqueline Gilbert with  
22 Diana Cline.

23 MR. PANOFF: Jesse Panoff with the  
24 previously mentioned.

25 THE COURT REPORTER: Federal Rules?

1 MS. EBRON: Yes.  
2 THE COURT REPORTER: 30 days -- are we  
3 doing 30 days on this?

4 MR. JOHNSON: Yes. We will read and  
5 correct within 30 days.

6 THE COURT REPORTER: And if you'll  
7 raise your right hand, sir, I'll swear you in.

8 JOHN CURCIO,  
9 having been first duly sworn, testified as follows:

10 EXAMINATION

11 BY MS. EBRON:

12 Q. Good afternoon. Can you please state your  
13 name for the record?

14 A. **Good afternoon. John Curcio.**

15 Q. Are you employed, Mr. Curcio?

16 A. **Yes, I am.**

17 Q. By whom?

18 A. **Fannie Mae.**

19 Q. How long have you been employed by Fannie  
20 Mae?

21 A. **Five years, 11 months.**

22 Q. Where were you employed before Fannie Mae?

23 A. **I was with Citigroup.**

24 Q. What were your dates of employment with  
25 Citigroup?

1           **A. Also with the University of Phoenix, I**  
2        **earned my MBA in global management and human**  
3        **resources.**

4           Q. Any other degrees?

5           **A. No, not to where I completed. I did enter**  
6        **the doctorate program at the University of Phoenix. I**  
7        **completed my coursework, and all I have left is my**  
8        **dissertation.**

9           Q. What is the doctorate in, or what will it be  
10      in?

11          **A. What may it be in? It's organizational**  
12        **leadership.**

13          Q. What was the date of your MBA?

14          **A. 2008.**

15          Q. Do you have any other degrees, or working on  
16      any other degrees --

17          **A. No.**

18          Q. -- besides the doctorate?

19           Do you have any professional licenses or  
20      certifications?

21          **A. No.**

22          Q. What is your position at Fannie Mae?

23          **A. I am the director of the services support**  
24        **center within credit portfolio management.**

25          Q. Have you held any other positions at Fannie

1 Mae?

2           **A. Within the same group, I was also a manager**  
3 **there.**

4           Q. Have you held any other positions, besides  
5 the director of services support and a manager?

6           **A. No.**

7           Q. How long have you been the director?

8           **A. Since June of 2012.**

9           Q. What does being the director of services  
10 support entail?

11          **A. A few functions where you're responsible for**  
12 **the review and oversight of 1,100 of the smaller**  
13 **servicers.**

14          Q. Anything else?

15          **A. We handle the call center for servicers that**  
16 **may call regarding questions about our servicing**  
17 **guide, and that handles calls and e-mails.**

18          Q. Anything else?

19          **A. And a team called Operational Excellence,**  
20 **and that team handles legal-related matters and**  
21 **documents.**

22          Q. Anything else?

23          **A. When I was -- when -- in my current**  
24 **position, no.**

25          Q. How about when you were a manager?

1       **system is called eBoutique.**

2           Q.     Can you spell that?

3           A.     **Small "e" and then Boutique. And**  
4     **specifically, that is for our -- what we call our**  
5     **reverse mortgage product, or HECMs, H-E-C-Ms.**

6           Q.     Is HECMs another name for the reverse  
7     mortgage product?

8           A.     **Yes.**

9           Q.     About how many declarations or affidavits  
10    have you reviewed and executed this year?

11          A.     **This year maybe about ten a week.**

12          Q.     About how long does it take you to review  
13    the documents before you execute the declaration or  
14    affidavit?

15          A.     **It depends upon the length of the**  
16     **declaration, to review that what I am signing is**  
17     **either what I know or what is attached as an exhibit**  
18     **and then review the exhibits to make sure that they**  
19     **correspond with what is being stated in the**  
20     **declaration.**

21          Q.     Do you ever pull the information yourself  
22    from SIR?

23          A.     **I have not.**

24          Q.     Do Dallas Fanning, Robert Morgan and Gary  
25    Dodson also work in the Addison office?

## 1 Exhibit 2?

2 (Exhibit No. 2 Marked.)

3 MS. EBRON: And, Counsel, I believe I  
4 already gave you a copy.

5 MR. JOHNSON: You did. Thank you.

6 MS. EBRON: I am sorry. Ms. Ritz, did  
7 you want a copy as well?

8 MS. RITZ: No. Thank you.

9 Q. (BY MS. EBRON) Are you familiar with this  
10 document?

11                   A.       I am.

12 Q. What is it?

13 A. It is the declaration.

14 Q. And this is a declaration that you signed in  
15 support of Plaintiffs' Motion for Summary Judgment in  
16 the case that we're here for the deposition for  
17 today?

18 A. I did sign this declaration, yes.

19 Q. What did you do to prepare to sign this  
20 declaration?

21           A.     Review the end of it, the words that are in  
22     this declaration, compare the exhibit to the  
23     attachment to ensure that they were the correct ones  
24     for this declaration.

25 Q. Anything else?

1           **A.     No.**

2           Q.     Looking at Paragraph No. 1, it says that you  
3     are the assistant vice president for Federal National  
4     Mortgage Association.  Do you see that?

5           **A.     I do.**

6           Q.     At that time, were you the assistant vice  
7     president for Federal National Mortgage Association?

8           **A.     In my role for signing the document, I have  
9     the delegated authority to sign in that capacity.  My  
10    title is director.**

11          Q.     When did you become the director?

12          **A.     June 2012.**

13          Q.     All right.  I already asked you that.

14          Okay.  So how long have you been an  
15     assistant vice president?

16          **A.     The delegation of authority started at about  
17     that same time as we were forming this team and taking  
18     on this function.  And it was around that time that  
19     the delegation was granted.**

20          Q.     And who was the delegation granted by?

21          **A.     My vice president at the time.**

22          Q.     And who was that?

23          **A.     Pamela Anderson.  No relation.**

24          Q.     Okay.  So there is a document that delegated  
25     authority for you to sign as the assistant vice

## 1 Number means?

## **A. Home Saver Advance.**

3 Q. And what is Home Saver Advance?

4           A. Back in 2008, it was the means to -- when  
5        borrowers were delinquent is to -- whatever that  
6        delinquency was, provide them with a mortgage -- a  
7        note to help bring them current on the first  
8        mortgage.

9           Q.     So is it the acquisitions team that would  
10       have switched the information from the previous system  
11       to the current SIR system --

12 MR. JOHNSON: Objection, vague.

13 Q. (BY MS. EBрон) -- from Laser?

14                   A. I do not know.

15 Q. Was this loan ever held in trust?

16 A. The loan was pooled at one point in time.

## 17                    O.      When?

18 A. Earlier on in the delivery process.

19 Q. What do you mean "in the delivery  
20 process"?

21 A. When they sold the loan to Fannie Mae.

Q. When Pulte sold the loan to Fannie Mae?

23                   A.       Yes.

24 Q. So you're saying that Pulte pooled the loans  
25 or Fannie Mae pooled the loans?

1           A. Pulte sold the loans to us, and then Fannie  
2 Mae pooled the loans.

3 Q. Is there a specific name of the pool that  
4 Fannie Mae pooled them into?

5           A.     Based on the information here, I don't see  
6     that. There would have been a name or number.

7 Q. And where would you look? Sorry about that.  
8 Go ahead.

9           A.     There would be a name or a number at the  
10       time.

11 Q. And where would you look to find out that  
12 information?

A. We would have to look at the loan history.

Q. Where is the loan history stored?

### 15                  A. Within the SIR system.

## 16 Q. Where in the SIR system?

17 MR. JOHNSON: Counsel, could you -- let  
18 me just object and instruct Mr. Curcio not to answer  
19 for the moment because I want to get some clarity on  
20 where this line of questioning fits into the topics  
21 that the Court allowed the deposition to go forward  
22 on, which I think include: Was the mortgage reclassified  
23 out of MBS? Okay. You have name, date, terms and  
24 trust. So he's answering to the best of his  
25 knowledge. Okay?

1                   Go ahead, John. Do you need the question  
2 back?

3                   THE WITNESS: I do, please.

4                   MS. EBRON: Could you read back again,  
5 please?

6                   (Requested text read back.)

7                   MS. EBRON: Do you need more than that?

8           Q. (BY MS. EBRON) I think we were looking for  
9 the loan history. Where is that contained in the SIR  
10 system?

11          **A. It's on a tab or on a -- I don't know how to**  
12 **get to that particular section.**

13          Q. Who would know how to get to that particular  
14 section?

15          **A. Someone familiar with SIR.**

16          Q. And who is that?

17          **A. Someone on my team.**

18          Q. So would that be -- would you be looking to  
19 your manager, or would you look for Dallas Fanning,  
20 Robert Morgan or Gary Dodson to find that  
21 information?

22          **A. I would look at any of those individuals,**  
23 **yes.**

24          Q. Have you reviewed loan histories before?

25          **A. I have seen screenshots of loan histories,**

1 Q. Was this loan taken out of a pool?

2 A. **Yes.**

3 Q. When was it taken out of a pool?

4 A. **It does not show that in the exhibit**  
**5 attached.**

6 Q. Is there somewhere you would look to find  
7 out that date that it was taken out of a pool?

8 A. **Yes. At that point, there would be what is**  
**9 called a reclassification.**

10 Q. And where is the reclassification located?

11 A. **Within SIR and on the loan activity**  
**12 report.**

13 Q. Is that one of the screenshots that is  
14 attached to your declaration?

15 A. **It is not.**

16 Q. Is that on a tab that we can see that just  
17 doesn't have a printout --

18 A. **Yes.**

19 Q. -- or that --

20 A. **Yes.**

21 Q. It does?

22 A. **Yes.**

23 Q. Which tab would you find that in?

24 A. **That should be on the Loan Activity History**  
**25 and another tab. I am not sure of the title of where**

1 STATE OF TEXAS )

2 COUNTY OF DENTON )

3 I, Kendra L. Rowland-Finch, Certified  
4 Shorthand Reporter, duly commissioned and qualified in  
5 and for the State of Texas, do hereby certify that  
6 there came before me on the 1st day of February, 2016,  
7 at Fannie Mae, located at 14221 Dallas Parkway, Suite  
8 1000, Dallas, Texas, the following named person, to  
9 wit:

10 JOHN CURCIO who was duly sworn to testify the  
11 truth, the whole truth, and nothing but the truth of  
12 knowledge touching and concerning the matters in  
13 controversy in this cause; and that he was thereupon  
14 examined upon his oath and his examination reduced to  
15 typewriting under my supervision; that the deposition  
16 is a true record of the testimony given by the  
17 witness, that review by the witness was requested on  
18 the record, and signature of the witness is to be  
19 signed before any notary public.

20 I further certify that I am neither attorney  
21 no counsel for nor related to any of the parties to  
22 the action in which this deposition is taken, and  
23 further that I am not a relative or employee of any  
24 attorney or counsel employed by the parties hereto, or  
25 financially interested in this action.

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Given under my hand on this 15<sup>th</sup> day of

February, 2016.



KENDRA L. ROWLAND-FINCH, CSR

Certificate No. 5500

Certified Shorthand Reporter in  
and for the State of Texas

Expires December 31, 2017

DEPO INTERNATIONAL

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